

## IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 10-0034

ORIGINAL

STATE OF MONTANA,

Plaintiff and Appellee,

v.

BRYCE EVERETT PETERSON,

Defendant and Appellant.

FILED

MAR 03 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA**MOTION TO STAY APPEAL AND REMAND TO DISTRICT  
COURT FOR PRODUCTION OF TRANSCRIPTS**

Joslyn Hunt, Chief Appellate Defender, moves this Court to stay Peterson's appeal and remand the above-entitled case to the Twenty-First Judicial District Court, Ravalli County, so that transcripts can be ordered and prepared for appeal.

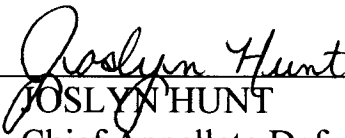
Mr. Peterson filed a motion for appointment of appellate counsel and motion for extension of time to file his opening brief. On February 26, 2010, this Court ordered the Appellate Defender Office to represent Mr. Peterson. When Mr. Peterson filed his notice of appeal, he did not order transcripts for appeal.

Therefore, counsel moves this Court to stay the appeal pending the filing of the transcripts necessary for appeal, and to remand the district court file back to the district court for preparation of transcripts and filing of the request for production of transcripts.

Opposing counsel has been contacted concerning this motion and does not object.

Respectfully submitted this 3rd day of March, 2010.

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By:   
JOSLYN HUNT  
Chief Appellate Defender

**CERTIFICATE OF SERVICE**

I hereby certify that I caused a true and accurate copy of the foregoing

Motion to Stay Appeal and Remand to the District Court to be mailed to:

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DATED: 3/3/2010 Shaun Boraden